REMARKS

Summary of the Office Action - Status of the claims

Claims 1-22 were pending in the Office Action.

Claims 1-22 are rejected under 35 U.S.C. § 103(a).

Applicants' Response

In this response, Applicants address the Examiner's rejections. Applicants' silence with regard to the Examiner's rejections of the dependent claims constitutes an recognition by the Applicant that the rejections are moot based on Applicants' Remarks relative to the independent claim from which the dependent claims depend. Applicants respectfully traverse all rejections of record.

Rejections under 35 U.S.C. § 103(a)

In the Office Action, claims 1, 5-8, 12-16, and 20-22 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,205,456 to Nakao et al. ("Nakao") in view of U.S. Patent No. 6,098,034 to Razin et al. ("Razin").

To reject claims in an application under Section 103, an examiner must establish a prima

facie case of obviousness. Using the Supreme Court's guidelines enunciated in Graham v. John Deere, 383 U.S. 1, 17 (1966), one determines "obviousness" as follows:

Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined.

In KSR Int'l Co. v. Teleflex Inc., No. 04-1350 (U.S. April 30, 2007), the Supreme Court reaffirmed the Graham test, and indicated that although it should not be rigidity applied, a useful test for determining obviousness is to consider whether there is a teaching, suggestion or motivation in the prior art that would lead one of ordinary skill in the art to combine known elements of the prior art to arrive at the claimed invention. Importantly, the Court emphasized that a patent examiner's analysis under Section 103 should be made explicit in order to facilitate review.

Thus, to establish a prima facie case of obviousness, the Examiner has an obligation to construe the scope of the prior art, identify the differences between the claims and the prior art, and determine the level of skill in the pertinent art at the time of the invention. The Examiner must then provide an explicit, cogent reason based on the foregoing why it would be obvious to modify the prior art to arrive at the claimed invention.

One of ordinary skill in the art would not have the motivation to combine and there is no identifiable reason that would prompt someone to combine the elements of Nakao and Razin. Moreover, even if such a combination was properly made, the combination of Nakao and Razin does not disclose all elements recited in claim 1.

Applicants' independent claim 1 is directed to a method for generating a summary of a plurality of related documents available in computer readable medial in a collection. Among other things, the method includes extracting phrases having focus elements from the plurality of documents, performing phrase intersection analysis on the extracted phrases to generate a phrase intersection table, performing temporal processing on the phrases in the phrase intersection table, and generating a summary of the plurality of related documents available in computer readable media by performing sentence generation using the phrases in the phrase intersection table which have been subject to said temporal processing.

Claim 1 recites, *inter alia*, "**performing temporal processing on the phrases in the phrase intersection table**," and "generating a summary of the plurality of related documents available in computer readable media by performing sentence generation using the phrases in the phrase intersection table **which have been subject to temporal processing**."

Razin neither discloses nor suggests **performing temporal processing on the phrases in the phrase intersection table**. In the Office Action, the Examiner takes the position that this

element of claim 1 is described in Razin. (*See* Office Action, page 4). Applicants respectfully disagree, however. In summarizing the invention, Razin describes "identifying phrases of a document to create a preliminary list of standard phrases; filtering the preliminary list of standard phrases to create a final list of standard phrases; identifying candidate phrases of the document which are similar to the standard phrases; confirming whether a candidate phrase of the document is sufficiently proximate to the standard phrase to constitute an approximate phrase; and computing a phrase substitution to determine the appropriate conformation of the standard phrase to the approximate phrase or the approximate phrase to the standard." (Razin, col. 3, lines 20-30). Nowhere does Razin disclose or suggest performing temporal processing on the phrases in the phrase intersection table as recited in claim 1. Razin, in contrast, only describes a system wherein linguistic comparisons are made between words and phrases to standardize the phrases in a document. No temporal processing is performed.

Razin further describes, "processing is conducted in connection with the suffix tree in order to heighten the accuracy and efficiency of the phrase finding...This enables the process to treat sequences of words, similar in all respects other than the presence of these known structural elements, as standard phrases. This improves the inclusiveness and accuracy of the results." (Razin, col. 4, lines 3-17). Again, processing is done to edit and standardize similar phrases, but temporal processing is not disclosed or suggested.

Razin further describes, "[t]he subject invention is a method for standardizing user phrasing in a user-created document. This method involves two separate components, each of which is further divided into separate steps. The first component involves the automatic extraction from the document of sequences of words constituting significant user phrases...The second component involves the automatic extraction from the document of sequences of words that are significantly similar but not identical to significant user phrases, and the automatic generation of suggested phrasing for this approximately matched phrasing that conforms its phrasing to the standard." It is clear from this description that Razin does not disclose or suggest temporal processing as recited in claim 1. Comparing the linguistic similarity of words and phrases is not the same as temporal processing as recited in claim 1. For at least the reasons above, Razin does not disclose or suggest "performing temporal processing on the phrases in the phrase intersection table."

Nakao, has only been cited as disclosing sentence generation and therefore does not cure the deficiencies of Razin in this regard. Therefore, claim 1 is patentable over Razin and Nakao, either alone or in combination.

In the Office Action, the Examiner acknowledges that Razin does not disclose or suggest "generating a summary of the plurality of related documents available in computer readable media by performing sentence generation using the phrases in the phrase intersection table

which have been subject to temporal processing," but asserts that this feature is described in Nakao. Assuming *arguendo* that Nakao does describe generating a summary of the plurality of related documents by performing sentence generation, as discussed above, neither Razin nor Nakao disclose or suggest that the phrases in the phrase intersection table **have been subject to temporal processing** as recited in claim 1, and claim 1 is patentable over Nakao and Razin, either alone or in combination, for at least this additional reason.

Since claim 1 is allowable, claims 5-7 depending therefrom are also allowable.

Claim 8 recites, *inter alia*, "performing temporal processing on the phrases in the phrase intersection table," and "performing sentence generation using the phrases in the phrase intersection table which have been subject to temporal processing."

These features of claim 8 are analogous to the features of claim 1 discussed above. Therefore, claim 8 should be allowed for at least the same reasons discussed above with respect to claim 1. Since claim 8 is allowable, claims 12-15 depending therefrom are also allowable.

Claim 16 recites, *inter alia*, "performing temporal processing on the phrases in the phrase intersection table," and "performing sentence generation using the phrases in the phrase intersection table which have been subject to temporal processing."

These features of claim 16 are also analogous to the features of claim 1 discussed above. Therefore, claim 16 should be allowed for at least the same reasons discussed above with respect

to claim 1. Since claim 16 is allowable, claims 20-22 depending therefrom are also allowable.

In the Office Action, claims 1-22 were rejected as allegedly unpatentable over Nakao in view of U.S. Patent No. 6,823,333 to McGreevy ("McGreevy").

One of ordinary skill in the art would not have the motivation to combine and there is no identifiable reason that would prompt such a person to combine Nakao and McGreevy to form the combination of claim 1. The Examiner has not provided an explicit, cogent reason why such a combination would be made. Moreover, even if such a combination was properly made, the combination of Nakao and McGreevy does not disclose all elements recited in claim 1.

The Examiner acknowledges that Nakao does not disclose or suggest "performing temporal processing on the phrases in the phrase intersection table and performing sentence generation using the phrases in the phrase intersection table which have been subject to temporal processing," as recited in claim 1 but asserts that these features are described in McGreevy. (*See* Office Action, page 5). Applicants respectfully disagree.

Claim 1 recites, "performing temporal processing on the phrases in the phrase intersection table," and "performing sentence generation using the phrases in the phrase intersection table which have been subject to temporal processing." McGreevy describes, "a process **1000** of comparing a relational model of the query to each one of the relational models of subsets." (McGreevey, col. 20, lines 6-8) Comparing relational models of phrase queries as

described in McGreevy does not disclose or suggest "performing temporal processing" as recited in claim 1. In fact, McGreevy does not address temporal processing at all. Instead, McGreevy is directed towards a method for searching relevant entries in a database and making linguistic comparisons, *not* performing temporal processing. McGreevy describes, "A keyterm search is a method of searching a database for subsets of the database that are relevant to an input query." (McGreevy, Abstract). Comparing queries to models of subsets as described in McGreevy does not disclose or suggest "performing temporal processing" as recited in claim 1. For at least the reasons above, claim 1 is patentable over Nakao and McGreevy, either alone or in combination.

Since claim 1 is allowable, claims 2-7 depending therefrom are also allowable.

Claim 8 recites, *inter alia*, "performing temporal processing on the phrases in the phrase intersection table," and "performing sentence generation using the phrases in the phrase intersection table which have been subject to temporal processing."

These features of claim 8 are analogous to the features of claim 1 discussed above. Therefore, claim 8 should be allowed for at least the same reasons discussed above with respect to claim 1. Since claim 8 is allowable, claims 9-15 depending therefrom are also allowable.

Claim 16 recites, *inter alia*, "performing temporal processing on the phrases in the phrase intersection table," and "performing sentence generation using the phrases in the phrase intersection table which have been subject to temporal processing."

These features of claim 16 are also analogous to the features of claim 1 discussed above. Therefore, claim 16 should be allowed for at least the same reasons discussed above with respect to claim 1. Since claim 16 is allowable, claims 17-22 depending therefrom are also allowable.

CONCLUSION

In view of the foregoing remarks, favorable reconsideration and allowance of claims 1-22 are respectfully solicited. Applicants hereby authorize the Commissioner to charge payment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 02-4377. In the event that the application is not deemed in condition for allowance, the examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Respectfully submitted,

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